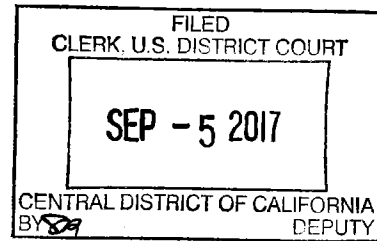


Vanessa Rai Cooper
 FULL NAME
Same
 COMMITTED NAME (if different)
Federal Correctional Complex
 FULL ADDRESS INCLUDING NAME OF INSTITUTION
13777 Air Expressway Blvd.
Victorville, CA 92394 / 58397-018
 PRISON NUMBER (if applicable)



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Amended

Vanessa Cooper

PLAINTIFF,

v.

Federal Bureau of Prisons
et al.

DEFENDANT(S).

CASE NUMBER

17-CV-5138 DDW-AFM
To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT
 PURSUANT TO (Check one)

☐ 42 U.S.C. § 1983

☒ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☒ Yes ☐ No
2. If your answer to "1." is yes, how many? 1

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

Vanessa Cooper, Plaintiff v. A. Washington - Adduci, Defense
 I was seeking adequate medical treatment for a torn meniscus in my right knee. I was seeking injunctive relief in the form of knee surgery, I was also seeking a claim for relief based on the violation of my constitutional rights. I was ordered to amend my pleading by identifying those individuals and/or entities I alleged violated my constitutional rights in the form of a Bivens.

- a. Parties to this previous lawsuit:
 Plaintiff Vanessa Cooper
 Defendants A. Washington - Adduci
- b. Court United States District Court for the Northern District of Alabama
- c. Docket or case number 7:16-cv-00509-MHH-JEO
- d. Name of judge to whom case was assigned John E. Ott
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) Dismissed without prejudice
- f. Issues raised: _____
- g. Approximate date of filing lawsuit: May 9, 2016
- h. Approximate date of disposition June 9, 2016

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☒ Yes ☐ No

If your answer is no, explain why not _____

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff Vanessa Cooper

(print plaintiff's name)

who presently resides at FCC Victorville P.O. Box 5300 Adelanto, CA 92394,

(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

FCI Aliceville, 11070 Highway 14 P.O. Box 4000 Aliceville, AL 35441.

(institution/city where violation occurred)

on (date or dates) Deliberate
Indifference/med. Retaliation (Claim I) Unconstitutional
administrative action (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant A. Washington - Adduci resides or works at
(full name of first defendant)
FCI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full address of first defendant)
AA Warden of FCI Aliceville
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

When the events contained in this Complaint occurred,
this Defendant was acting within the scope of her employment.

2. Defendant Dr. McCollar resides or works at
(full name of first defendant)
FCI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full address of first defendant)
Medical Doctor FCI Aliceville
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

From 2014 to 2015 this Defendant acted within the scope
of her employment and under the color of law.

3. Defendant Ivan Negron resides or works at
(full name of first defendant)
FCI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full address of first defendant)
Regional Medical Director FCI Aliceville
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

When the events contained in this Complaint occurred,
this Defendant was acting within the scope of his employment.

1. Defendant Richard Griffen resides or works at
(full name of first defendant)
FBI Aliceville 11070 Highway 14 Aliceville, AL 35442
(full address of first defendant)
Clinical Director
(defendant's position and title, if any)

When the events contained in this Complaint occurred, this Defendant was acting within the scope of his employment.

2. Defendant Sharon Bailey resides or works at _____
 (full name of first defendant)
ECI Aliceville 11070 Hwy 14 Aliceville, AL 35442
 (full address of first defendant)
Staff Physician
 (defendant's position and title, if any)

When the events contained in this Complaint occurred, this Defendant was acting within the scope of her employment.

3. Defendant Ella Taylor resides or works at FCI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full name of first defendant) (full address of first defendant)
Triage Nurse
(defendant's position and title, if any)

From 2014-2015 this Defendant acted within the scope of her employment and under the color of law.

4. Defendant M. King resides or works at _____
(full name of first defendant)
ECI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full address of first defendant)
Registered Nurse
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

When the events contained in this Complaint occurred this Defendant was acting within the scope of her employment.

5. Defendant Unknown others resides or works at _____
(full name of first defendant)
ECI Aliceville 11070 Hwy 14 Aliceville, AL 35442
(full address of first defendant)
Triage Nurse
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

When the events contained in this Complaint occurred this Defendant was acting within the scope of his employment.

D. CLAIMS***CLAIM I**

The following civil right has been violated:

Eighth Amendment
 1. Right to be free from the infliction of cruel and unusual punishments as guaranteed by the Eighth Amendment. Violation of Eighth Amendment rights has been found when there is an intentional denial of needed medical care, or when a prison official's conduct indicates deliberate indifference to the medical needs of prisoners.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

1. Plaintiff or I am bringing suit after over 3 years of denials of appropriate care for a injury that occurred in the year 2014, while I was exercising at FCI Aliceville recreation department. This injury resulted in a right knee prominent posterior horn medial meniscus tear and cartilage thinning within the lateral compartment. This condition is so obvious that even a lay person can easily recognize that a doctors attention is ~~less~~ necessary.
2. FCI Aliceville was over populated with very little medical staff during the time I injured my knee. The population was well-over 1200 prisoners and one physician, one nurse, one triage nurse, so the prison administration relied upon a medical staff of three personnel. (Claim 1 Cont)

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

Claim 1 cont

The service and the facility were inadequate to my medical needs for this torn meniscus. Leaving me in excruciating pain until this very day.

3. Defendant McCollar acted with deliberate indifference to my medical needs by telling me I would need a surgery yet this Defendant did not request any medical attention or medical restrictions until after I injured my shoulder at work. Defendant McCollar acted with negligence to my medical needs for this torn meniscus, because even though the Defendant said the Plaintiff needs a surgery there is no record showing she ever requested one, leaving me without any medical attention for months in excruciating pain.
4. Even though I went to many sick-call visits for pain and swelling in my right knee I was ignored and left sitting in the waiting room at med.
5. Defendant Taylor acted with deliberate indifference to my medical needs by telling me during mainline open house "not to come back to medical for my knee, because there is nothing they can do about it."
6. Defendant Negroni acted with deliberate indifference to my medical needs by

Claim 1 cont

falsely reporting in my medical file, an encounter with me at Health Services on January 12, 2015.

Defendant Negron also reported a plan of action that consisted of a self-instructed Physical Therapy. This report filed by Defendant Negron would later determine the medical care I would receive and the denials I receive at every level. Had I not filed a Informal Resolution on January 16, 2015, this Defendant's report would have been counted as a encounter visit with me.

7. Defendant Griffin used unconstitutional administration abuse and deliberate indifference to my medical needs by not actually treating me for this torn-meniscus only making the record look like treatment is being administered, and recovery is in progress only to assure a denial of appropriate costly medical care. This Defendant set many appointments with me and never showed-up, leaving me sitting in the waiting room until one of the nurses would come out yelling at me about how I'm not going to be seen, and wait for the call-out. I was never put on the call out for a appointment until the administrative remedy I filed needed to be answered. At that time Defendant Griffin would set and keep my doctor's

Claim I can't

appointment only to record a false recovery to manipulate the administrative remedy.

8. Defendant Griffin acted with deliberate indifference by administering a self-instructed Physical Therapy that he did not review or test and did not know what the physical therapy consisted of. Yet this Defendant told me, "if I do not do the physical therapy they will know because my leg will not heal."
9. Everytime I tried to do the physical therapy or anything that consisted of normal behavior and living my knees would swell-up and leave me holding onto my cane with both hands dragging my Rt leg, barely able to walk. Then when I would go to sick-call the administration would tell me, "my leg should have healed by now," and leave me sitting in the waiting room until recall and never being seen.
10. Defendant Griffin or any other medical staff never examined me for a sick-call visit for swelling and pain from the physical therapy or any other normal life activities that caused more harm to this torn-meniscus. This Defendant had no knowledge of the exercises contained in

Claim 1 con't

the Physical Therapy Packet that he gave to me on April 30, 2015.

11. Defendants King and Bailey's decision to minimize my serious medical needs to assure no adequate medical care shows deliberate indifference to my rights.
12. Defendant Adduci, as Warden of FCI Aliceville was personally involved in the denial of all my medical grievances, acknowledged my concerns, needs and sufferings by "parroting" my specific claims in my denial of grievances. This Defendant further refused to provide any aid or assistance, or require staff under her control (administrative and medical), to provide me with proper care, and attention or relief. Yet this Defendant added hardship to my injury by not allowing me to sit down while working, even though medical had a restriction on me for sedentary work only.
13. These deliberate indifferences violated my constitutionally protected Eighth Amendment right to be free from cruel and unusual punishment, as a direct and proximate result of these Defendants actions, I suffered physical and emotional injury, disability, permanent damages, humiliation, and other constitutionally

Claim/cont
protected rights and damages as described
herein.

Claim 2

First Amendment

1. The U.S Constitution provides, in pertinent part, that "Congress shall make no law abridging the freedom of speech, or to petition the Government for a redress of grievances."
2. By filing the Administrative grievances against the Defendants I engaged in the First-Amendment-protected conduct as these grievances sought redress in the adjudication level of the facility (or, in the alternative, in these Honorable Courts, which require such attempts at securing administrative remedy before filing suit).

Supporting Fact:

1. Defendant King as well as Defendant Bailey, Griffin and the Triage nurse (name unknown - from the year 2015-2016) all acted with retaliation toward me, but Defendant Bailey and Griffin retaliated through administration manipulation, this Defendant King retaliated with face-to-face contact as well as the triage nurse.
2. Defendant King retaliated against me on October 20, 2015 when I went to medical for a sick-call visit, by intimidating me with a face-to-face confrontation. Not allowing me to

Claim 2 con't

enter Health Services while I was in excruciating pain. Defendant King told me, "if I am able to make it to medical there is nothing wrong with me." As of this date October 20, 2015 I had been to medical for sick call many times never being seen or put on the call-out for an appointment I also filed three administrative grievances not including cop-outs and letters. Defendant King spoke to me with much anger leaving me outside, when I told her I was here all day yesterday and no one saw me, and how I made it to medical leaning on my cane with both hands putting all my weight on my left leg dragging my right leg, she just stood there looking down at me, leaving me standing outside of medical for a few more minutes, then finally she let me in. By this time I too was upset, so I said to her, "that's why I'm reporting ya'll," Defendant King at that time yelled at me saying, "You don't have to come over here." At that time I said, "where else can I get medical help," and I took a seat, I sat there for hours everyone at medical was seen except me, at that time I decided for my safety it is best I leave.

Claim 2 con't

3. Defendant Bailey retaliated against me by giving her medical diagnosis without ever examining me, yet her medical report was used in the denial of the Regional Administrative Remedy Appeal No. 816582-R1, dated July 20, 2015 her report was false according to the report made on January 22, 2016, where it is noted no improvement.
4. Defendant Brittin retaliated against me by stopping my medical for my chronic care (fibroid tumors), leaving the care for my tumors in a, "waiting for a decision file". Defendant Griffin retaliated by never giving any medical care for my left knee after I complained that my left leg is now in very bad pain because of my right leg Defendant Griffin thought it was funny.
5. Defendants Griffin, Bailey, King, and the Triage nurse, all retaliated against me by falsifying my medical reports and adding misleading medical reports, to assure a denial of costly and appropriate medical care. These Defendant worked the most to manipulate denial of care at every level, to frustrate, hamper or completely block my attempts to obtain adequate medical care.

Claim 3

Fifth or Fourteenth

The due process right has been couched in terms of the prisoner's right to be free from an abuse of discretion on the part of prison administrators; protection from unconstitutional administrative action; protection of a prisoner's life and health from administrative action.

Supporting Facts:

1. Defendant Griffin filed false medical reports into my file on April 30, 2015 indicating I was not doing the physical therapy, then on May 6, 2015 only 6 days later wrote into my file that I was making progress, only for the purposes of manipulating the administrative remedy to ensure a denial of costly, appropriate care for me through the administrative remedy No. 816582-F1. This complaint was due for an answer April 27, 2015, Defendant Griffin had not seen me since 2014, so the remedy needed an extension in order to give an answer. The extension was due May 17, 2015. Defendant Griffin set two appointments with me, the first appointment was set in order to falsely accuse me of not doing the physical therapy, knowing I had never received a physical

Claim 3 con't

therapy. The second appointment was to falsely report that I had made progress with the physical therapy, in the six days apart from each appointment.

2. Defendant Bailey reported on June 30, 2015 that I appeared to medical with a normal gait, that report was also false strictly filed for one purpose to ensure a denial of my appeal for appropriate medical care.
3. The Defendants attempts to down play my injuries are deliberate, retaliatory, and malicious actions.
4. Defendant Negrón's decision to report a false encounter with me for the purposes of assuring a denial of costly appropriate care is a abuse of power, and deliberate indifference.
5. The Defendants in this matter whom hold supervisory or authoritative control and oversight regarding my care or access to care and denials thereof, have maintained a deliberate, consistent and blatantly unconstitutional pattern, practice, custom procedure and protocol for virtually mandating denials of almost every basic, common and proper form of treatment.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

1. Compensatory damages in an amount which is fair, just, and reasonable.
2. Punitive and/or exemplary damages in an amount which is fair, just and reasonable.
3. Injunctive relief to secure access to care necessary to address my medical needs, including but not limited to, any surgery, medication, supplementation, and other treatment necessary for my injured knees, meniscus, cartilage, tendon, arthritis, joint, bone, back, shoulder, and tumors.
4. Entry of declaratory judgment stating that the Defendants policies, practices, acts and omissions violated my rights guaranteed to me by the First, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.
5. Such other and further relief as this Court may deem appropriate.
6. I have suffered unnecessarily over the last 3 years as a direct and proximate result of the Defendants intentional disregard for my medical needs. Budgetary concerns, which clearly is the driving force here, should not cause me to be crippled for life and scarred because timely and proper attention was not afforded to me.

8-30-17

(Date)

Vanessa Cooper

(Signature of Plaintiff)

Aubrey Collins - Cooper, Vanessa # 58397-018 Informal Resolution

From: Aubrey Collins
To: Ella Taylor
Date: 1/24/2015 4:26 PM
Subject: Cooper, Vanessa # 58397-018 Informal Resolution
CC: Richard Griffin
Attachments: Cooper, Vanessa # 58397-018.pdf

Please see attached documents and schedule I/M Cooper to be seen regarding her issue at your convenience.

Thanks,

A. Collins

B4 Case Manager
FCI Aliceville
P.O. Box 445
Aliceville, AL. 35442
205 373-5000 Ext. 5164
a4collins@bop.gov

**FEDERAL CORRECTIONAL INSTITUTION
ALICEVILLE, ALABAMA
INFORMAL RESOLUTION FORM**

Inmate Name: Vanessa Cooper Reg. No. 58397-018
Unit: B-4 Date: 1-16-15

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the three steps listed below:

1. State your complaint: I came here to FCI Aliceville in March, when I got here I walked normal. I exercised I played baseball, jogged. I did this for the first 3 mos. then one day I woke up for breakfast and I could not walk with out straightening out my leg. by the time I got down the stairs in my unit, I could not walk without

(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to BP-229(13) responses.))

2. State what actions you have made to informally resolve your complaint: I went to sick call at least 6 different times then I talked to my counselor, and I wrote a cop out to the warden. I wrote a cop out to the med records
3. State what resolution you expect: I expect to know what's wrong with my leg then take action on getting medical attention so I can know how and what I can and can't do.

Inmate's Signature: Vanessa Cooper Date: 1-16-15

Correctional Counselor's Comments (Steps to Resolve): will contact Medical to resolve.

Counselor's Signature: [Signature] Date: 1-24-15
Unit Manager's Review: [Signature] Date: 1-24-15
Informally Resolved: [Signature] Date: 3-13-15

	BP-8 ISSUED	BP-8 RETURNED	BP-8 ISSUED	BP-8 RETURNED	REMEDY CLERK
DATE	<u>1-16-15</u>	<u>3-13-15</u>	<u>3-16-15</u>		
TIME	<u>9:20 pm</u>	<u>9 am</u>	<u>9 AM</u>		
COUNSELOR	<u>A. Collins</u>	<u>A. Collins</u>	<u>A. Collins</u>		

binding my leg. My right leg was hurt at the knee. So I could not straighten it at first, then I could not bind it while walking. I've been stuck like this now for 7 months. First I went to sick call they took x-rays, Medical here at FCI Aliceville told me nothing was wrong with my leg but I still could not walk. So I went back to so I went back to the sick call the next day I was told I will ~~not~~ be put on sick call. I was never put on sick call. Then one day while working in Food Service the Warden saw me limping around and ask me "what happen" I told her what happen she was concerned that I did not have a stroke. I told her I don't know if I had a stroke. Shortly after that I was taken out for a MRI, then now it's been 3 months and I can't get the results or even a Dr's appointment. I was put on the call out finally after being told I was unable to be found here at FCI Aliceville, when I went to my appointment I was told I was not going to be seen. I've been walking with this limp for 7 months in very hard pain. Please help me.

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Cooper, Vanessa R 58397-018 B-4 FCI-Alliceville
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I've been to medical numerous times concerning my RT knee. No solution has been talked about. As a matter of fact I was told by the medical staff not to come back to medical about my knee. Everyday that passes the pain gets worse, sometimes I don't think I'm going to make it to work or back to my unit. I do not want to quit my job or move unless I have surgery. Which is what a solution would be, to schedule me for surgery, and I know this not because of medical, but because of my own research I did not come to this prison like this, please help me so I can know what my future holds.

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 816582-FI

Part C- RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



PRINTED ON RECYCLED PAPER

BP-229(13)
APRIL 1982

RECEIPT - ADMINISTRATIVE REMEDY

DATE: APRIL 17, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
ALICEVILLE FCI

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW:

REMEDY ID : 816582-F1
DATE RECEIVED : APRIL 7, 2015
RESPONSE DUE : APRIL 27, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: APRIL 30, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
ALICEVILLE FCI

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 816582-F1
DATE RECEIVED : APRIL 7, 2015
RESPONSE DUE : MAY 17, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :

REQUEST FOR ADMINISTRATIVE REMEDY

Administrative Remedy No. 816582-F1
Part B - Response

This is in response to your Request for Administrative Remedy No. 816582-F1, received on April 7, 2015, wherein you state there has been no solution in regards to your knee pain. As relief, you request knee surgery.

A review of your medical record and consultation with staff reveals an MRI of the right knee was performed on November 17, 2014. The MRI findings revealed prominent tear posterior horn medial meniscus and cartilage thinning within the lateral compartment. The Regional Medical Director reviewed the MRI report and noted treatment plans as follows: continue with self-instructed physical therapy and pain medication; and consider orthopedic consultation if symptoms persist after conservative management.

On May 6, 2015, you were evaluated by the Clinical Director for complaint of knee pain and to discuss your MRI results. The Clinical Director evaluated your knee and noted tenderness to the collateral ligament and reduced mobility. You were advised of the MRI results and the Clinical Director recommended a follow-up evaluation in one month.

Accordingly, your Request for Administrative Remedy is denied, in that FCI Aliceville Health Services staff have evaluated and treated your medical complaints based on Program Statement 6031.04, *Patient Care*, and knee surgery is not recommended at this time. If you are dissatisfied with this response, you may appeal to the Regional Director at the Southeast Regional Office, 3800 Camp Creek Parkway, S.W., Building 2000, Atlanta, Georgia 30331. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.


Washington Adair, Warden


Date

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: James Vance R 50-17-018 B-4 Ft. H. H. H.
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I was denied surgery for my knee by Regional. The surgeon that was prescribed is unavailable. First I was told by Regional that this problem with my knee might be a shock. So Regional had me wait 7 mos. Before finally approving me for a MRI. The MRI revealed the doctor requested a surgery for a knee replacement and Regional denied it, and told me to exercise and start walking right. This is unacceptable because the doctor said, "I need surgery urgently. Now, I'm a cripple, even though I was not handicapped when I came here to Hialeah FCI. Why give me the MRI then deny the requested solution for the problem (surgery)?"

5-26-15
DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 50-17-018

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

RECEIPT - ADMINISTRATIVE REMEDY

DATE: JULY 7, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
SOUTHEAST REGIONAL OFFICE

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 816582-R1
DATE RECEIVED : JUNE 29, 2015
RESPONSE DUE : JULY 29, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 : CONSULTANT REFERRALS, RECOMMENDATIONS

Regional Administrative Remedy Appeal No: 816582-R1
Part B - Response

This is in response to your Regional Administrative Remedy Appeal received June 29, 2015. You allege a magnetic resonance imaging (MRI) study of your right knee revealed a torn meniscus, but the Regional Medical Director denied a request for surgery. You further claim this decision is unacceptable because a doctor told you the surgery is needed urgently. As relief, you request surgical intervention.

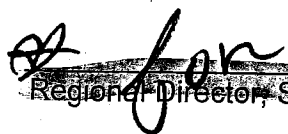
A review of your medical records revealed you were evaluated by the Staff Physician after undergoing an MRI of your right knee on November 17, 2014. The Regional Medical Director (RMD) reviewed the MRI report, which revealed prominent tear posterior horn medial meniscus and cartilage thinning within the lateral compartment. The RMD recommended self-instructed physical therapy and non-steroidal anti-inflammatory medication and an orthopedic consultation if your symptoms persist after conservative medical management has been tried.

You were evaluated by the Clinical Director on April 30, 2015, at which time you admitted you were not doing physical therapy exercises. You were provided self-therapy literature and medication for pain. Progress with your condition was noted when you were evaluated by the Clinical Director again on May 6, 2015. You were advised to make a good effort to consistently perform your self-therapy exercises and you would be reevaluated to monitor your progress. When you were seen in the clinic on June 30, 2015, your chief complaint was of pain in the left side of your chest. The clinician noted you presented with a normal gait, and you did not voice any problems pertaining to your right knee during this encounter.

Should you experience any adverse changes in your condition, return to sick call for reevaluation. Medical care will continue to be provided consistent with Bureau of Prisons' policy.

Accordingly, your Regional Administrative Remedy Appeal is denied. If dissatisfied with this response, you may appeal to the Office of General Counsel. Your appeal must be received in the Office of General Counsel, Bureau of Prisons, 320 First Street, NW, Washington, DC, 20534, within 30 calendar days of the date of this response.

7/20/15
Date


Regional Director, SERO

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: SEPTEMBER 18, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L
P.O. BOX 445
ALICEVILLE, AL 35442

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 816582-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : AUGUST 24, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 : CONSULTANT REFERRALS, RECOMMENDATIONS
INCIDENT RPT NO:

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 2: YOU MAY ONLY SUBMIT ONE CONTINUATION PAGE, EQUIV. OF ONE
LETTER-SIZE (8.5 X 11) PAPER. TEXT ON ONE SIDE. THE
TEXT MUST BE LEGIBLE.

REJECT REASON 3: YOU DID NOT SUBMIT PROPER NUMBER OF CONTINUATION PAGES
WITH YOUR REQUEST/APPEAL. 2 - WARDEN'S LEVEL; 3 -
REGIONAL LEVEL; AND 4 - CENTRAL OFFICE LEVEL. THE
NUMBER CITED INCLUDES YOUR ORIGINAL.

REJECT REASON 4: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
15 DAYS OF THE DATE OF THIS REJECTION NOTICE.

2015 SEP 24 PM 10 54
RECEIVED
FBI ALICEVILLE
WARDEN OFFICE

Counselor Flowers

delivered on
9/5/15, 10-1-15



RECEIPT - ADMINISTRATIVE REMEDY

DATE: JANUARY 6, 2016

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L

THIS ACKNOWLEDGES THE RECEIPT OF THE CENTRAL OFFICE APPEAL
IDENTIFIED BELOW:

REMEDY ID : 816582-A3
DATE RECEIVED : DECEMBER 10, 2015
RESPONSE DUE : FEBRUARY 8, 2016
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 : CONSULTANT REFERRALS, RECOMMENDATIONS

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Cooper, Vanessa R 58397-018 B-4 FCI-ALICEVILLE
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL This is in response to my Regional Appeal denial. First Regional stated that I alleged a MRI study of my Right Knee revealed a torn meniscus, as if it were not true. I did not know my meniscus was torn until the clinician here at FCI-Aliceville told me, and, at that time the Clinician also told me I would need a surgery. This is a fact that is in my medical records. Regional also stated that, "as relief, I request surgical intervention, so Regional knows that I need relief, so why am I being denied surgery that is needed. I have attached to this a response to other statements Regional made in part-B Response

11-14-15
DATE

Vanessa Cooper
SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

OCT 21 2015

Administrative Remedy Section
Federal Bureau of Prisons

RECEIVED

DEC 10 2015 (A3)
Administrative Remedy Section
Federal Bureau of Prisons

RECEIVED
MAR 14 2016
BY: _____

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 816582 - A2

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



ADMINISTRATIVE REMEDY APPEAL # 816582-Continued

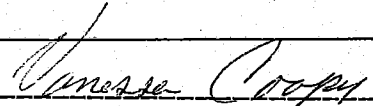
Also in response to my appeal denial. Regional stated that on April 30, 2015 "I admitted I was not doing the physical therapy exercise." This statement is not true, and I have a copy of my medical records to prove it.

On April 30, 2015 Dr. Griffin gave me a physical therapy package and a cane. Then on May 6, 2015, Dr. Griffin evaluated me on my exercises and said I've made some progress. So according to Regional I admitted I was not doing the physical therapy on the same day I received physical therapy.

On June 30, 2015 I went to sick call, because I had very bad chest pains in my heart. Regional states that the clinician noted that I presented with a normal gait and I did not voice any problems pertaining to my right knee during this encounter.

Now, here at FCI Aliceville when an inmate goes into the medical office or sick call, the inmate is only allowed to voice one complaint about one problem. If there is another problem or medical issue the inmate has to come back on another sick call day for that complaint. So on June 30, 2015, my chest pain needed to be checked by a doctor. At that time, my chest pain was priority, and just because I did not complain about my right knee does not mean the problem is gone. Furthermore, the clinician stated that I presented with a normal gait. I can't pick up my right leg, so it drags when I walk, if that looks normal to your clinician she needs to be evaluated. I've been walking with this terrible limp now for 14 months it took almost 7 months just to get a MRI, all I've been given is Ibuprofen 800 mgs and physical therapy packet and a cane. None of these things have helped me in fact, it is getting worse. My entire body is in pain especially my left knee. Then I get the run around with no real reason for not giving me the surgery that is needed. Now I am asking the General Counsel to take a look into this situation and please give me some relief.

Thank You,


Vanessa Cooper, Inmate # 58397-018

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: JANUARY 6, 2016

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : VANESSA COOPER, 58397-018
ALICEVILLE FCI UNT: B UNIT QTR: B04-104L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE CENTRAL OFFICE APPEAL
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 816582-A3
DATE RECEIVED : DECEMBER 10, 2015
RESPONSE DUE : FEBRUARY 8, 2016
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 : CONSULTANT REFERRALS, RECOMMENDATIONS

Administrative Remedy No. 816582-A3

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege you are being denied knee surgery. For relief, you request to be approved for surgery.


We have reviewed documentation relevant to your appeal and, based on the information gathered, concur with the manner in which the Regional Director addressed your concerns at the time of your appeal. Our subsequent review show you were evaluated by the institution Clinical Director (CD) on November 24, 2015, who noted no improvement to your right knee despite knee exercises and a brace. As a result, the CD submitted a consultation request for evaluation by an orthopedic specialist.

You will be scheduled to see the orthopedic specialist in the near future and further treatment will be considered based on the orthopedic specialist's recommendations. Records reflect you are currently provided with a cane and lower bunk pass, as well as Ibuprofen for pain.

The record reflects you are receiving medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your knee condition worsen.

Based on the forgoing, this response is provided for informational purposes only.

11/22/16
Date



Ian Connors, Administrator
National Inmate Appeals

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of the form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency:		2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and Zip Code) <i>Vanessa Cooper 58397-018</i> <i>FCT Aliceville, Aliceville, Alabama</i> <i>P.O. Box 4000 35442</i>			
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH <i>12-19-73</i>	5. MARITAL STATUS <i>single</i>	6. DATE AND DAY OF ACCIDENT <i>Friday Aug 21, 2014</i>	7. TIME (A.M. or P.M.) <i>5:00 pm</i>	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.) <i>Inadequate Medical Treatment. I came here to FCT Aliceville Mar 21, 2014. I hurt my right knee in Aug 2014. When my leg did not heal the former Doctor here, Dr McVicker told me I am going to need a surgery for torn cartilage. I went out to get a MRI in Nov 2014. I found out I have a torn meniscus and I would need surgery. Continued on separate sheet of paper.</i>					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code) <i>n/a</i>					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.) <i>Personal Injury</i>					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. <i>Prominent tear posterior horn medial meniscus and cartilage thinning within the lateral compartment.</i>					
11. WITNESSES					
NAME <i>Mostly everyone here in the Aliceville Prison</i>		ADDRESS (Number, street, city, State, and Zip Code) <i>Same as above</i>			
12. (See instructions on reverse) AMOUNT OF CLAIM (In dollars)					
12a. PROPERTY DAMAGE <i>\$2400.00</i>	12b. PERSONAL INJURY <i>\$14,000,000.00</i>	12c. WRONGFUL DEATH <i>0</i>	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) <i>\$14,002,400.00</i>		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) <i>Vanessa Cooper</i>			13b. Phone number of signatory <i>none</i>	14. DATE OF CLAIM <i>6-16-16</i>	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000 plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)		

Cont Tort Claim

page 1 of 3

Vanessa Cooper 58397-018

FBI Aliceville

Aliceville, Alabama

P.O. Box 4000 35442

I was in a wheelchair for about 5 days until I was told to give it back because I can't use the elevator everyday. So I had to learn how to walk without falling down, but most of all I had to learn how to deal with the pain. At this time I had no cane or anything to help me walk, so I straightened out my right knee and locked it in so I can walk, I do not bend my right leg at the knee when I walk. My right knee and my right foot swell up so big that Dr. McCullar gave me Ibuprofen for inflammation. Dr. McCullar told me she did not want me on the Ibuprofen to long because it will damage my liver. Now the Warden and the Medical Staff here are using Ibuprofen 800 as a plan of action for this torn meniscus. I received a cane and a physical therapy packet on 4-30-2015. On 5-6-2015 the new Doctor here, Dr. Griffin told me to make sure I am doing the physical therapy exercises because if I am not doing them they know because I will not be healed. At the end of 2015 I had a

Cont Tort Claim

Vanessa Cooper 58397-018

Page 2 of 3

follow-up appointment with Dr. Griffin, he noted that nothing has changed with my right knee. I told him I was doing the exercises I just have problems with swelling and pain after I do them. Especially when I try to do the step-up. At that time Dr. Griffin informed me I can't do steps, I told him, he gave me a physical therapy packet that has steps and wall squats and you told me I have to do them. Now almost 7 months later your telling me not to do them. When I go to sick-call because of the swelling in my knee and foot the nurses say I'm feking and it should have healed already. Then the FBOP sent me back out to see the orthopedic he told me I need a surgery this was in Fed the 23, of 2016. He also told me I should not be walking on my leg or standing to much and definatey should not be doing any physical therapy until after the surgery, because it is making my tear worse. Well here at FCI Aliceville we have to work or we will go into refusal on our FRP payment. Plus The Warden makes us work. Warden - Adduci saw me sitting

Can't tort claim

Vanessa Cooper 58397-018

page 3 of 3

down once at work and she told me to get up she is not paying me to sit down. The orthopedic also informed me that my tear is not going to heal. Torn meniscus don't heal so when Dr. Griffen ordered another MRI the orthopedic did not perform it because he said if my meniscus was torn 2 years ago it's still torn now, so instead of an MRI he did a x-ray to see how bad my bone has gotten since I've been walking straight legged for 22 months now. He also said hopefully the surgery will be enough since I've been walking on it for so long. The reason I can't walk right is because of the torn cartilage that is in my knee needs to be surgically removed. But the Warden, the Regional Director, the Administrator National Inmate Appeals have all together agreed to use their plan of action which is a cane and Ibuprofen 800 with a bottom bunk pass. This is inadequate medical treatment and it needs to be corrected.



U. S. Department of Justice

Federal Bureau of Prisons

*Southeast Regional Office
3800 Camp Creek Pkwy SW
Bldg 2000
Atlanta, GA 30331*

CERTIFIED MAIL

7014 2120 0003 4453 1894

Vanessa Cooper
Reg. No. 58397-018
FCC Victorville, Med, II, Camp
P.O. Box 5300
Adelanto, CA 92301

RE: Administrative Tort Claim Number: TRT-SER-2016-05214

Dear Claimant:

Your claim has been considered for administrative settlement under the Federal Tort Claims Act ("FTCA"), Title 28, United States Code (U.S.C.), Section 2672 *et seq.*, and the authority accorded by Title 28, Code of Federal Regulations (C.F.R.), Section 0.172. Under Section 2672 of the FTCA, each federal agency has been delegated the authority to consider, determine, and settle any claim for money damages against the United States for personal injury or loss of personal property caused by the negligent or wrongful act or omission of an employee acting within the scope of his or her office or employment.

We have investigated your claim, and the investigation did not indicate you suffered an injury or loss caused by the negligence of a Bureau of Prisons employee acting within the scope of his or her employment. Accordingly, your FTCA claim is denied. If you are dissatisfied with our determination, you have six (6) months from the mailing date of this letter to file suit in an appropriate United States District Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Robles", is written over a rectangular stamp.

Joshua Robles

Supervisory Attorney

Date: 1/9/17

CERTIFICATE OF SERVICE

I, Vanessa Cooper, hereby certify that I have served a true and correct copy of the following:

Civil Rights Complaint Pursuant to Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

Which is deemed filed at the time it was delivered to prison authorities for forwarding, HOUSTON v. LACK, 101 L.Ed.2d 245 (1988), to the court and all parties to litigation and/or attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

*United States District Court
312 North Spring Street
Los Angeles, CA 90012-4797*

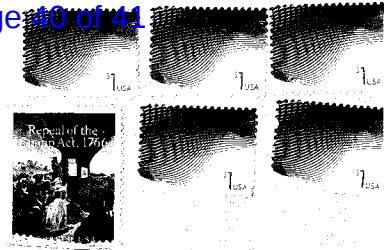
and deposited in the UNITED STATES POSTAL MAIL at the FEDERAL PRISON CAMP VICTORVILLE, CALIFORNIA.

I declare under penalty of perjury, (TITLE 28 U.S.C. §1746), that the foregoing is true and correct.

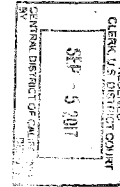
Dated this 30 day of August, 2017.

ISI Vanessa Cooper
[Name typed] Vanessa Cooper
[Reg. No.] 58397-018

Vanessa Cooper - 58397-018
FCC Victorville Federal Correctional Complex
P.O. Box
Adelanto, CA 92394



United States District Court
Office of the Clerk
312 North Spring Street
Los Angeles, CA 90012-4797



PLEASE USE CORRECT ADDRESS
MUST FULLY SPELL OUT
INSTITUTION NAME
NO ABBREVIATIONS

[Handwritten signature]



